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(Pam.)

THE
INTERESTS OF MAN

IN OPPOSITION TO THE
RIGHTS OF MAN:

OR,

An INQUIRY
INTO THE CONSEQUENCES OF CERTAIN POLITICAL
DOCTRINES LATELY DISSEMINATED.

Mihi, Galba, Otho, Vitellius, nec beneficio nec injuria
cogniti. TACIT.

I shall speak of those who rule over us, biassed neither by
good deed nor personal injury.——

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M D C C I C I I I.

1609/5470



T O
Sir JOHN INGLIS
OF CRAMOND, BARONET,

AND

The other GENTLEMEN of the County and
City of Edinburgh, associated for the
Purpose of suppressing Sedition,

T H E
FOLLOWING SHEETS, written with the
View of undeceiving the People, regard-
ing the Delusive Doctrines lately taught
them, and of propagating the Know-
ledge of Constitutional Principles, are

Respectfully

DEDICATED,

By

Their most obedient humble servant,

The AUTHOR.

THE HISTORY OF THE
CITY OF BOSTON
FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME
IN TWO VOLUMES
BY NATHANIEL BENTLEY
VOLUME THE SECOND
CONTAINING THE HISTORY OF THE
CITY OF BOSTON FROM THE
YEAR 1700 TO THE PRESENT
TIME
PUBLISHED BY
JOHN BENTLEY
AT THE SIGN OF THE
CROWN IN THE
MARKET PLACE
1790

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THE INTERESTS OF MAN,

IN OPPOSITION TO THE

RIGHTS OF MAN.

INTRODUCTION.

THAT all men are on an equality, from the king on the throne to the beggar on the dung-hill; that the superfluities of the rich ought to be wrested from them, in order to be administered to the necessities of the poor; and, that the jurisdiction vested in the civil magistrate to-day, may be resumed into the hands of the people to-morrow, are positions calculated to gain credit with the bulk of mankind, from the influence which they have on the most deceitful passions in the human breast. But to him who weighs well their natural consequences, and marks their effects on common life, no doctrines will appear worse founded in reason, or less suit-

ed to the situation of man; none more delusive in principle, or more dangerous in practice: and, therefore, however well they may be received by the zealous or the unthinking, they must needs be reprobated by the cool and considerate part of mankind.

DOCTRINES such as these have of late spread abroad, and no wonder they have excited an alarm in the nation. The consequence has been, as might naturally be expected, to excite the efforts of many able men, in defence of the constitution and government of the country. Of their writings, thus much may with safety be said, that they have shown the *Rights of Man*, in the extent they have lately been taught us, to stand upon a less firm foundation, than the advocates for innovation would wish us to believe.

THE author of the following pages means not to go over the ground which has been so properly pre-occupied by others. In this inquiry the object shall be, not so much to ascertain what are the *Rights* of man, as what are his *Interests*: not what a man *may* do, but what, *for his own sake*, he *ought* to do: for, that there are many rights conferred upon man, which cannot, consistently with his interest, be brought into action,

action, shall be made appear, in the sequel, clear as the sun.

IN this view of the case, it may safely be granted, though reason and truth demand no such concession, that all those rights are the inheritance of man, which the zealous for reform so violently contend for : since the momentous question must ever recur, Whether, in calling forth those rights into action, have they consulted the peace and happiness of men ?

It is a favourite topic with the gentlemen who attach themselves to the opposite side of this cause, that we must disclaim entirely the authority of our ancestors ; that the energy of the human mind is at all times equal to human necessities ; and that, on every occasion, we are to be directed by our reason and understanding, independent of the precepts or the practice of others. An opportunity will afterwards occur, of discussing this point, and putting it on a proper footing : mean time, it may here be premised in general, that principles, however specious, may safely be rejected, if found, on examination, insusceptible of practice ; and that the concurring voice of many ages is to be preferred to the crude speculations of a day. “ The
“ general and perpetual voice of men,” says Hooker, “ is as the sentence of God himself ; for,

“ that which all men have at all times learned,
 “ Nature herself must needs have taught.”

IN short, the plan which the writer proposes to follow, is to give an impartial view of the original state of mankind, and to bring those levelling principles directly to the test, by comparing them with the history of nations ancient and modern. This discussion being intended chiefly for the common class of readers, shall be comprised within as narrow bounds as perspicuity will admit; and the author shall be little solicitous about the elegance of sentiment, or the beauty of language, provided he make himself clearly understood. He will endeavour to put his argument on such a footing, in point of authority, as may not be shaken by *general unsubstantiated* averments: and therefore it will become necessary to refer to a variety of authors; but English books shall be resorted to as much as possible. The same considerations will prevent him from entering into any minute or laboured disquisitions. He trusts, that the general views which he means to submit, will be found amply sufficient to fix the principles of every impartial inquirer. Those who would study the subject more deeply, will find abundant matter for the fullest investigation

tion in the respective authors which it will be necessary to refer to, in the course of the inquiry.

IN point of method, the following order suggests itself: *1st*, To treat of society in general, and of the necessary effects of civil government upon the rights of man.

2dly, To inquire, what form of government is best suited to the happiness of mankind.

3dly, To consider the British constitution, as presently established by law; and the imperfections which are imputed to it, by the reformers of the present times.

C H A P. I.

Of Society in general, and of the necessary Effects of Civil Government upon the Rights of Man.

UNHAPPILY for this country, the questions which now agitate the public mind are not merely, whether this man or the other shall sit at the helm of affairs ; whether a conformity in religion shall be deemed requisite to the welfare of the state ; or whether the interests of the commons, the power of the nobility, or the prerogative of the crown, shall cast the balance in the scales of civil government. These and the like questions have engaged the attention of philosophers and politicians at various times ; and wise men, who regarded the peace of society, have thought that even then they were treading on slippery ground. It has been reserved to the reformers of the present times, to doubt whether society may not subsist without a government of any kind : for, thus far do the zealots for innovation go, some of them avowedly, and others by a necessary and unavoidable consequence resulting from the principles which they wish to establish.

In

In this situation, it will be of advantage to take a view of man in a state of *simple* or *primitive society*; by which term I mean such an association as nature herself establishes among men; leaving to every individual the full exercise of his original rights, fettered by no laws other than those of nature and morality. We shall then endeavour to compare the benefits and advantages which attend him therein, with those which result to him from a well ordered government. The comparison will not only enable us to form a ready judgment of the dangerous doctrine above alluded to, but will also prepare us for examining the more specious principles of those, who, from a pretended regard to the rights of man, would do violence to the constitution and government of this country, in order to fashion it agreeably to their own fancy and caprice.

It may readily be allowed, that this primitive state of society is a state of complete equality and independence, not only in itself, but with regard also to those of whom the society is composed. By nature, no man has a right to command, or to exact obedience from another. Every one may dispose of his person and of what he possesses according to his own will and pleasure; acknowledging no superior whatever, the Supreme Being alone excepted.

But to the law of heaven, or in other words, to those eternal dictates of reason and justice
which

which nature has implanted in every heart, mankind necessarily feel themselves obliged to conform their actions. This law is in itself sufficiently perfect to secure the preservation and happiness of the human race ; and therefore were it duly observed by men whom we suppose in a state of nature, nothing would be wanting to insure their happiness. The establishing of any sovereign power upon earth, to curb or restrain their actions, would be altogether unnecessary. Men would then live in the constant exercise of kind offices ; they could be on an equality, without jealousy or envy ; the superiority which they would aspire after, would be the superiority of virtue ; and the ambition of their minds would be only that of generosity and disinterestedness.

But, alas ! motives so pure, and actions so laudable, are not to be looked for from mortal man. The appetites, and the passions of the human heart, which are then so powerful, are too strong to allow so perfect a rule of conduct its free and uniform operation. The law of nature is relaxed by degrees, and soon becomes inadequate to the purposes of human life. Besides, the obligations which are felt to arise from the law of nature, must be greater or less according as individuals make a proper use of the reasoning faculty, with which nature has endowed them ; so that, in proportion as men give way to prejudice or passion, from whatever cause, their

their sense of the laws of nature, and of the obligations of morality, must necessarily become the more imperfect.

In such a state, therefore, every one being the sovereign arbiter of his own actions, and having the sole right to judge of the rule of his conduct, and of the application thereof to the business of life, there must result, from that very liberty and independence, which he undoubtedly enjoys, a certain degree of anarchy and disorder, whenever his interests and passions run counter to the interests and passions of those with whom he has to do (*a*). The unavoidable consequence is, to regulate the conduct of individuals, not by the dictates of reason and justice, but by the impulse of passion and of prejudice: and thus the strong oppresses the weak; the virtuous and good lie at the mercy of the profligate and abandoned; and the dearest rights which man can enjoy are ever a prey to the first invader. No wonder, then, that such a view of mankind, should have given occasion to a great writer (*b*) to remark, that men thus situated are inferior even to the brute tribe, in as far as their natural need of mutual assistance is confessedly greater, while they are goaded on to mutual oppression, by emulation, envy, avarice, and a melancholy band of other appetites and passions to which the brute creation are wholly strangers.

(*a*) Burlam. Droit. nat. par. 2. c. 6. Droit. polit. par. 1. c. 3.

(*b*) Puffendorff, de Off. Hom. l. 1. cap. 3.

It will not escape the most superficial observer, that the very equality which generates those evils, is of itself productive of the most tyrannical inequality which mankind can ever experience ; such inequality as depends, not on lawful authority and a becoming subordination, but on the strength of the arm, and the caprice of the passions.

By what means, then, shall men avoid the alarming evils which naturally accompany such a situation? Reason and experience warrant us to say, that these evils are only to be avoided by establishing a fixed and permanent government ; and this can only be effected by every individual renouncing the independence, which in a state of nature he enjoys, and which constitutes him sole judge of the justice and propriety of his own actions. The natural rights of individuals thus renounced, are lodged in the supreme power of the state, whose duty it now becomes, to administer justice to all its members, not according to passions or prejudices, but according to certain fixed laws promulgated to the people as the rule of their conduct. Such a government being once established, the condition of man is entirely altered. No longer do the weak feel the oppression of the strong ; virtue no longer pays a tribute to vice ; nor does honest industry fear the attack of the profligate and abandoned ; while there is placed in the hands of the civil magistrate a coercive power for the very purpose of restraining those acts
of

of intemperance and violence which are the constant concomitants of a state of equality.

Hence it is clear, how very different true liberty is from a state of intire independance. The first is to be enjoyed under a lawful government, and is peculiarly fitted to the happiness of man. The last can be possessed in a state of nature only, where modesty stands ever exposed to insult, chastity to pollution, piety to profaneness, peace and comfort to tumult and disorder.

If this be so, with what propriety can those men call themselves the friends and well-wishers of their country, who deliberately tell us, that government is not absolutely necessary to society, (b) and that, in such a state, men are intitled to maintain every right which they receive from nature? (c) Or how shall those be said to consult their own interests, the security of their lives and fortunes, the tranquillity of their own minds or the welfare of their families, who lend an ear to such doctrines?

We may then conclude that government is essential to the welfare of man. On the slightest reflection, it will become obvious that the same reasons which establish the necessity of a government and of a supreme authority in society, demonstrate the necessity and expedience of the government being permanent, and not dependant

(b) Rights of Man, small Edit. Part II. p. 14.

(c) Rights of Man, Part I. p. 22.

on the fluctuating will of the people. What avails it, that to day the promise of protection prompts me to habits of industry, or lulls me into security as to the peace of my family, if to-morrow I may be exposed to the lawless attacks of the robber or the sensualist? If order is to give place to tumult, and regular government to the cabal of the disaffected, or the caprice of the mob? Better, surely, were it, to disclaim at once the ties of subordination, that the individual may remain in that self-defence which nature dictates, than thus to abuse him with the mere semblance of order and protection.

To hold that such a power remains with the people, is to disclaim altogether the authority of government, and to expose us hourly to anarchy and confusion. Yet there are not wanting those who wish to recommend themselves to popularity and notice, by cajoling the public with the idea of so dangerous a right; maintaining that they are free to act for themselves *at all times and in all cases* (d). So deceitful, so dangerous a doctrine has seldom been spoke out in plain terms: Vice has hitherto found it necessary, at least to clothe herself in the garb of virtue; and so deadly a poison has seldom been administered, without having the pill at least gilded over. But happily for the country, Mr. Paine's extreme confidence in our credulity, will defeat the end which he wishes to

(d) Rights of Man, Part I. p. 76.

attain. There are none among us but must at once see that the government of a state could never arrive at any degree of consistency, amidst the continual revolutions to which it would thus be exposed ; and, if we shall once allow, that to have a government at all is a fit and proper thing, we will abjure the right unbounded and uncontrollable, with which this author means to compliment us.

On the other hand, I mean not to stand up the advocate of non-resistance or indefeasible right. Circumstances may occur in the course of government, to render the interference of the people a matter of necessity ; and to such an event are we indebted for that admirable constitution, to the advantages and blessings of which, many among us are so insensible. To determine what circumstances are sufficient to justify such interference, and to draw the line which shall mark the boundaries between duty and disobedience, is the most delicate question that can occur in the whole circle of politics. Certain it is, that there can be no necessity of discussing that question here. The most eminent political authors, however zealous for republican principles (*e*), have restricted it to cases very different from those which are now made the subject of public complaint. Besides, it will be remembered, that the reformers of the present

(*e*) Puffend. de off. civ. L. 2. c. 9. § 4.

Burlam de. Droit. polit. par. 2. c. 6. § 17.

day maintain that such a power resides in the people, *at all times and in all cases*, independent altogether of the conduct of our governors ; a position which, though it were true, has been demonstrated to be utterly inconsistent with the peace and welfare of any people.

Accordingly, if we look into the history of mankind, we shall see no reason to conclude, that any nation on the face of the earth, those even who put the highest value on freedom, ever proceeded upon so unsteady a principle. Did the Spartans acknowledge it, when they solemnly *bound themselves to maintain* the constitution as settled by Lycurgus (*f*)? Was it acknowledged by Junius Brutus and the Roman people at large, when they expelled the despotic family of the Tarquins, and swore *never to admit* them again to the government (*g*)? Was it known to the people of the Netherlands, when they entered into a compact binding themselves *perpetually* to maintain their free constitution (*b*)? Or, was such a principle suspected to exist, when the constitution of this country was brought to its perfection, and the succession to the monarchy ascertained by our ancestors? To one and all of these questions we may without hesitation make answer in the negative.

The matter, however, does not rest here. To

(*f*) Plut. Life of Lycurgus.

(*g*) Liv. Hist. Lib. 2. c. 1.

(*b*) De Witt on the Republic of Holland, par 2. c. 12.

tis, who are more immediately connected with the northern part of the island, this doctrine assumes another appearance perhaps still more alarming. By the treaty of union entered into between the kingdoms of Scotland and England, it was expressly agreed that the laws of the former kingdom in matters of private right, and the Protestant religion as then established in the country, should remain for ever unalterable by any future parliament (*i*). But if it be allowed that the articles of that solemn contract may be infringed, at all times and in all cases, it does not appear what security we at this moment have for our most valuable rights civil and religious.

Were it true, therefore, that mankind has a right to overturn the transactions of all former times, does the right appear to be of such a nature, attended by the dreadful consequences which we have pointed out, as ought to be followed out in practice? Or, in laying it down as the rule of our conduct, can we be said to act agreeably to the genuine spirit of liberty. Liberty is indeed a sacred thing, and base is the mind which is not sensible of its supereminent excellence: but to push the exercise of liberty to this extreme, is the same thing as to maintain, that because light and heat may with propriety be ranked among the choicest blessings of life, therefore I should grasp the live coal in my hand, or hug it in my bosom.

(*i*) Scots acts of Parliament, anno 1706 c. 7.

C H A P. II.

*Of the Question, What Form of Government is best
suited to the Happiness of Mankind.*

It has been already observed, how very anxious Mr. Paine is to disclaim the authority of those who have gone before us; renouncing thus the advantages of time and experience, on the vain idea that the immediate operations of the human mind are sufficient for directing man, in whatever situation he may happen to be placed. By adopting this mode of argument, that gentleman has contrived to gain profelytes to his cause, by flattering that vanity and self love, which is so grateful in general to mankind; while he at the same time avoids the insurmountable difficulties he must otherwise have contended with, had he deduced his principles from the only genuine source of political doctrine, the history and experience of past times.

But the truth is, that of the history of man Mr. Paine is exceedingly ignorant. Every page of his writings informs us, that he is destitute of that degree of learning which is necessary to enable any man to form a true judgment of the complex matters which he pretends to discuss. He is neither sufficiently apprised of the historical facts from which his tenets ought to have been deduced

ced, nor is his reading, or his experience of mankind such, as to enable him to trace his speculative doctrines to those consequences which they must inevitably produce. Such being the case, it is not surprising that he should affect to renounce the information which he could not attain, or to despise authorities so inimical to his cause.

In the following inquiry, a different mode of argument is meant to be pursued. Reason, indeed, and truth deserve our regard from whatever quarter they may happen to come ; but we prefer the lessons in the school of experience to the speculative opinions of the brightest genius. It is recorded as a saying of the divine Plato, " That " all knowledge is but remembrance ;" thus plainly intimating the use we ought to make of the failures and the successes of others. But what need is there for recurring to any authority on a point which in itself is so indisputable? Should any man deny the benefit of experience in the most trifling arts of life, few, it is believed, would listen to him for a moment: and is it so easy a thing to govern millions, that experience here may safely be rejected? If we are now to espouse such a doctrine, it is what never was done before by any people. The antients, we know, were most diligent in their inquiries into the laws and constitutions of other nations, adopting, on the one hand, what was worthy of imitation, and on the other hand, rejecting what practice pointed out as dangerous, or inconvenient. Aristotle and the o-

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ther

ther philosophers of Greece, collected the customs and laws of all countries, in order to direct them in the government of their own. For the same end the Romans sent persons into all parts of Greece, who, by a careful observation of the laws and customs which they met with, and of the effects they produced in practice, were enabled to lay the foundations of that eminent body of civil law, which is at this day received as the true standard of equity and reason throughout all Europe. Without farther apology, therefore, we shall not hesitate to recur to the history of past times, in support of the principles we mean to espouse; preferring practical knowledge to speculative opinions, and chusing to consult the peace and welfare of mankind, rather than flatter their pride and vanity.

When people look out for a form of government, their inquiries are not to be directed after that which is in itself perfect; but after that which is likely to be attended with the fewest disadvantages. If we hope that we ever shall meet with the former, we deceive ourselves with the vain expectation of what never will fall to the lot of man. Particular systems have been contrived, which in theory seemed to bid fair for perfection; but no sooner were they reduced to the test of practice than they immediately discovered the empty illusion; for, as a great political author has freely acknowledged, faults and imperfections

fections there always will be, while man continues to be governed by man (*a*).

Government is of three kinds ; democracy, aristocracy, and monarchy. By the first we understand that species which is lodged in the hands chiefly of the commons ; by the second, that which is in the hands of the nobility ; by the last, that which is intrusted with a single person. The subject admits of subdivisions ; but it is unnecessary here to be more minute. Both democracy and aristocracy are, strictly speaking, styled republican ; but it is the first only, which, in the following pages, will generally come under that denomination.

Of monarchy and aristocracy it will not be necessary to say much. Republicanism has engaged the passion of the times, and therefore to the object of that passion it becomes necessary to pay peculiar attention. If any regard is due to the other kinds of government, or, which is the same thing, to the political influence of a nobility or a crown, it shall be rather allowed to follow as a consequence of what shall be said on democratical government, than enforced by their own particular weight or importance.

To one who deliberately considers this subject, and who makes it his business to know, what things really *are*, and not merely what they are *said to be*, it becomes matter of astonishment, that

so many people of prudence and discretion should be led away by empty *names*, to the entire neglect of *reality and substance*: that, because at particular times, and *owing to particular circumstances*, the republican system has been found to answer the purposes of government, therefore it is to be held up as the idol of the people; while, on the other hand, because kingly power, *in the hands of a despot*, has been found inconsistent with the public good, therefore it is to be proscribed under whatever limitations. It shall be our business to assign to consequences their true causes; though the result may be to strip republicanism of her most alluring garments, with which indeed she ought never to have been clothed.

Popular government, it has justly been remarked, is attended with disadvantages unknown to any other (*l*). The multitude is a mixture of all kinds of people; it comprehends a small number of able discerning men, men of good sense and good intentions; but a more numerous class, on whom no reliance at all can be had, as having the expectation of gain, by the disorders of the state, while, happen what may, they have nothing to lose. Besides, let the intentions of all be ever so good, their schemes cannot receive a proper execution; the numbers employed prevent a due deliberation of their plans; and

(*l*) Burlam. Droit. polit. Part II. c. 2. § 24.

hence

hence matters are precipitated into immediate action, or they are rendered wholly abortive by the want of energy and order. As to secrecy or foresight, they are advantages unknown. Montesquieu (*m*) has filled up the outlines of the picture with a justness of colouring peculiar to himself. "Business," says he "must go on, and that
 " with a certain movement, neither too slow nor
 " too fast. But the people has always too much
 " action or too little. *Sometimes with a hundred*
" thousand arms they overturn every thing ; some-
" times with a hundred thousand feet they creep but
" as insects."

But the most immediate and the most fatal evils which this form of government has ever experienced, arise from the very principal on which it is founded ; I mean the principal of *equality* which is held to be necessary among all the members of the state. The possession of wealth, of abilities, or reputation, though perhaps the means or the motives of all public virtue, and assuredly the strongest springs of private industry and exertion, have been ever found incompatible with republican citizenship. Accordingly throughout the history of the ancient republics, we shall find that the eminence or superiority of any individual uniformly led the way to his own death, banishment or disgrace.

(*m*) Spirit of Laws, B. II. c. 2.

It is not liberty, which is wanting in popular states; they have so much of it that it never fails to degenerate into licentiousness. Thence it is, that they are ever weak and changing in themselves. Tumults from within, or attacks from without, are continually throwing them into consternation; and their ordinary fate has ever been to fall a prey to the ambition of designing men, and to pass from an extreme of liberty to an extreme of bondage.

These necessary evils arise from the very nature and constitution of republican government. It is not foreign enemies only which they have to dread; their most formidable enemies are in the bosom of the state. This the most zealous republicans have been forced to acknowledge (*n*). It could not escape them that the government not being annexed to any certain family, but open to all without exception, self-love or ambition makes many conceive themselves the fittest persons for the higher offices, while the choice of a multitude, seldom calculated to remove the influence of so dangerous notions, fixes elsewhere without any obvious cause of preference. The levity and inconsistency of every popular assembly, also concur to aggravate the evil. Hence we shall see the best and ablest citizens imprisoned or sent into banishment, by

(*n*) De Witt, on the Repub. of Holland, part 1. c. 26.
 Father Paul's Maxims of the Gov. of Venice, c. 1. §. 15.

the voice of that very people who but just before had erected statues to their honour. Hence disorder, tumults, and insurrections; and hence in many cases the ruin of the state.

These positions rest not on bare speculation; they can be proved by the experience of a hundred nations; but to be satisfied of the truth of them, we have only to look into the histories of the far-famed commonwealths of Greece, Rome, and Carthage; and, if we are not blind to the conviction arising from indisputable facts, we shall mark them down as people eternally engaged in a state of warfare, rather than enjoying the blessings of any government whatever.

Turn over any one history or account of Athens, or the lives of her great men, as handed down by Plutarch, and mark the horrible factions which distracted that republic, and the massacres and assassinations with which they were accompanied. Consider who were the victims of those disorders. Were they the profligate and abandoned, the factious and the guilty? No, they were the best of her citizens, those whose virtues or whose abilities the factious dreaded: Themistocles, Miltiades, Aristides, Cimon, Phidias, Phocion, Socrates, and many others.

At Thebes the venerable names of Pelopidas and Epaminondas underwent similar persecutions, from similar causes, the excelling virtue of any individual being inconsistent with the equality which is held to be necessary in republican government.

ment (o). A story is told by Plutarch, of the conduct of an individual, which gives a faithful representation of the reward which extraordinary virtue or merit of any kind universally met with in those republics. When Aristides had acquired the surname of *Just*, he became the object of the Athenian envy, and was consequently accused by the people before the people themselves as judges. Whilst they were preparing their shells, by which they signified the fate of the accused person, a country voter, who could neither read nor write, brought his shell to Aristides, and desired him to write the name of Aristides upon it. Aristides, not a little surprised at the request, asked him what injury that Aristides had done him? "In-jury!" replied the fellow, "none at all, for I know not the man even by sight; but it galls me to the soul to hear him every where called 'Aristides the *Just*' (p).

In the republic of Carthage, faction was carried on more systematically, and was finally attended with more dreadful consequences. The two families of Hanno and Hamilcar were rivals for power, and stood at the head of the contending parties. Jealous of the glory which either should acquire, the business of the one was to thwart every measure proposed by the other, while the unsteady multitude, upon whom they acted, fluctuated

(o) Appian de Bell. Punic. p. 36.

(p) Plut. Life of Aristides.

tuated between the powers which were hastening their ruin (*q*). The distresses and calamities which they brought upon their country were many and dreadful. Suffice it to say, that when Hannibal, the descendent of Hamilcar, had gained the great victory over the Roman arms at the battle of Cannæ, he demanded of the Carthaginian senate a reinforcement of men and money, which, if granted, would have enabled him to put an end to the Roman name. The requisition was frustrated by the intrigues of his rival (*r*), supported by the people, to whom the abilities of that great man were now become odious. This indeed enabled them to humble Hannibal, but it saved Rome, and put it in her power at an after period to raze Carthage herself to the ground.

From the same divisions among the people, and jealousy of their superiors, arose the shocking dissensions at Corcyra; the result of which was, that the multitude, throwing off all respect to the established government, fell upon their magistrates and all who adhered to them, and nothing was to be seen but an universal slaughter, the inhabitants murdering one another, even in the houses and temples (*s*).

Of the liberty of ancient Rome, much has been said, and much has been written. But in order

(*q*) Plutarch's *Lives*.

(*r*) Liv. l. 23.

(*s*) Robertson's *History of Greece*, B. 2. c. 3.

to form a just estimate of the real blessings which that people enjoyed, we must not take the history of that commonwealth by the lump, but must discriminate circumstances, and mark the difference of particular times.

I believe it will be found, on an accurate and unprejudiced perusal of the history of that famous people, that genuine liberty was known at Rome for a very short time. It is agreed among all, that it only commenced on the expulsion of the Tarquins. By those who estimate liberty by the power of the mob, it is held to have continued till the battle of Pharsalia, when Pompey was subdued by the stronger arm of Cæsar, comprehending a period of about 460 years. But if that only can be deemed liberty which secures to a nation peace and happiness, then I suspect the liberty of Rome received a shock in the consulship of Spurius Cassius, the first mover of the Agrarian law, after which it wasted by little and little, till it was totally lost in disorder and licentiousness. According to this calculation we must restrict the Roman liberty to the short space of about 130 years. Let us trace the general outline of facts upon which these positions are founded.

When the family of the Tarquins were expelled, the government of Rome assumed a republican form; but it must be allowed that a much greater degree of power was lodged in the *Patricii*, or nobility, than was compatible with the liberty of the people at large. The commons by degrees
obtained

obtained that share in the government, to which their influence in the state naturally entitled them; and the affairs of the commonwealth prospered beyond all expectation, under the management of two consuls, possessed of kingly power, and of the *Patricii* or nobles, and the *Plebs*, or commonalty. These three members of the Roman constitution had each their peculiar departments in the government, and while these were observed with any degree of care, the citizens enjoyed peace and happiness.

The struggle for power in public affairs lay then, as it does now, between the nobility and the commons. The former endeavoured to maintain their rights, which they alledged they were entitled to by the constitution of the state; the latter determined to encrease theirs, as being absolutely necessary to the public welfare.

Already the commons, had with great propriety, wrested from the senate the tyrannical power which had hitherto been assumed, of issuing laws and decrees obligatory upon all; and officers had been appointed, under the name of *Tribunes*, with power to annul such decrees as appeared injurious to the common people. But that very power which appeared so odious in the senate, when exercised by that body against the commons, was amongst the first which the commons usurped over the liberty of the senate, whenever the authority of the tribunes encouraged them to the measure.

Hence they assumed the right of summoning before them for trial, any senator who had become odious to them ; thus constituting themselves both judges and accusers, whereby the whole body of nobles were reduced to an abject dependence upon the multitude ; stripped of all security to their persons, and the right which they formerly enjoyed of being judged by each other (*t*).

One false step leads the way to another. The people at large became the sole electors of all magistrates and officers under the government ; and, not being qualified to fix upon men of abilities or integrity suited to the trust reposed in them, scarce did any consul or other officer of power lay down his office but he was immediately accused of remissness or incapacity ; and it is remarkable that the people themselves were always the foremost in those accusations. Such was the fate of Menenius, Manlius, Fabius and many others, who were invested with the highest dignities in the state (*u*). Of so serious a grievance no redress could be obtained. The people had now assumed the power of voting in all elections *individually*, so that the meanest freeman in Rome gave a vote equal to that of the first senator, whereas the commons had formerly voted by *centuries*, or *hundreds*, in order to give the nobility some weight in the public deliberations.

(*t*) Goldsmith's Rom. Hist. Vol. I. c. 11.

(*u*) Ibid.

This system having got footing in the state, the appointment of magistrates and other officers became as tumultuous and disorderly as was to be expected from such an arrangement ; and any difference of opinion among the electors was generally terminated by open force (x).

A government thus constituted, was but ill adapted to insure peace and safety to the state: and of this the people became abundantly sensible. The remedy which they applied on any emergency was a desperate one. They created a magistrate under the name of *dictator*, whose power was supreme and uncontrollable, extending equally over all ranks of men. To the appointment of this powerful magistrate, the abhorrence in which the commons held the Roman nobility contributed not a little. Their own power, they saw, was utterly inadequate to the necessities of the commonwealth, and they dreaded lest it should be transferred to the hands of the nobles. They were therefore willing to sacrifice what authority they themselves possessed, for the sake of curbing that of their superiors. And thus, says the historian, did the same people, who would not hear even the name of a king mentioned, and who of all things dreaded the power of the nobles, submit themselves to a magistrate more powerful than either ; so much are people led away by the *names* of things, and so little are they afraid of the worst of measures

(x) Goldf. Rom. Hist. Vol. I. c. 11.

when

when they happen to fall in with their prejudices or passions.

The situation, however, of the republic had now rendered some extraordinary step necessary ; and dreadful had that situation been, when, in one period of twenty years, we see this despotic magistrate appointed no less than ten different times (y).

The lives and liberties of the Roman people were thus frequently resigned into the hands of an individual, to whose virtue and moderation they were indebted for their safety. But an authority so high, it was natural to expect, would attract the attention of men of less virtue. The exuberant power which the office conferred, demanded a limitation of it in point of time ; but Sylla having got himself invested with the authority, contrived to have it declared perpetual. The dissensions at Rome continued to increase, and the plenitude of power which Sylla enjoyed was transferred soon after to Cæsar, Pompey and Crassus, the infamous triumvirate, who, disregarding the interests of all ranks in the state, shed the blood of their fellow citizens for their own aggrandisement. Discord between themselves increased the horrors of civil war, to such a degree, that, as Cicero expresses himself (z), not only men, but the very beasts of the field could not

(y) Goldf. Hist. Vol. I. c. 13.

(z) Second Oration against Catiline.

bear a repetition of such enormities. At last, the battle of Pharsalia, already mentioned, put an end to their animosities, and completely enslaved the Roman people.

The history of the republic of Sparta holds out a lesson to mankind similar to that of Rome. By the constitution of that commonwealth, as settled by the famous Lycurgus, the government was vested in two kings, a senate or nobility, and the commons.

The senate was the grand institution of Lycurgus, and that which rendered his name immortal. Before that period, the executive branch of the government was vested in the crown ; the legislative department in the crown and the people jointly. Their respective privileges could not in all cases be precisely defined, and their mutual desire of power tended to render most of them extremely uncertain. The natural consequence was, that the government of the state was greatly embarrassed, and frequently it became altogether inefficient. The senate was intended as a bulwark of freedom, against any stretch of prerogative on the part of the crown, or any unreasonable advances on the part of the people ; and the experience of that noble institution for a period of nearly seven hundred years, showed how admirably it was suited to answer the ends which the founder of it had in view.

The commons, some considerable time after Lycurgus acquired an addition of power, by the creation of certain officers called the *Ephori*, who resembled

sembled much the *tribunes* of the people among the Romans (*a*). The authority of the *Ephori* was originally calculated to protect the rights and the liberties of the commons ; but, like the tribunes at Rome, they gradually advanced their power so far as totally to alter the nature of the government. They obliged the inferior magistrates, and even the kings themselves, to render an account of their administration ; and they arrested and imprisoned the persons of the senators and kings at pleasure. To this summit of power were men frequently raised from among the most indigent of the people, whose mean circumstances often led them to the grossest malversation in their high office (*b*). The abuse of this power introduced dreadful convulsions, which brought on at last the total subversion of the Spartan commonwealth.

Were we to examine minutely the principles upon which the republics of more modern times have been constructed, and the effects they have produced when brought to the test of experience, we should have no cause to alter the opinion we form, from a perusal of the histories of Greece, Rome, and Carthage. Every one knows the intestine quarrels which have distracted the several republics in Italy ; depopulating their cities, and banishing the inhabitants from their native land, according as this faction or that happened to prevail. In illu-

(*a*) Robertson's Hist. of Ant. Greece, B. I. app.

(*b*) Arist. de Rep. L. II. c. 7.

stration of this, it will be sufficient barely to mention the divisions in Florence between the Bianchi and Neri ; and those between the Guelfs and Ghibbelines, which have caused convulsions and revolutions in all the states. To these we may add the example of Poland, which though in appearance under monarchical government, has generally been ruled by most democratical principles, and has consequently experienced all the evils which naturally result from that popular system.

What then is the conclusion which we must necessarily draw from this deduction of historical facts? Does it recommend to our approbation those republican principles which the zeal of the times has brought so much in vogue? Or does that system of equality which pervades a republic tend to the peace and happiness of mankind? To these various questions we may without hesitation make answer in the negative. We pretend not to justify that form of government which lodges all power either in the king or in the nobles. Of the former, mankind have had dreadful examples in all times: of the latter, an example still remains in the constitution of Venice, sufficient to deter all others from putting it in practice. But, founding our opinions on sound reason and the nature of things, aided and corrected by the experience of all nations ancient and modern, we presume to hold out a mixed species of government, as the best fitted to insure peace and happiness to the

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people ; such a government as took place at Rome and at Sparta during the brightest periods of the history of those famous states, while the direction of public affairs was duly divided between the consuls, the nobility, and the commons at Rome, and between the kings, the nobility, and the commons at Sparta.

The admirable constitution of this last-mentioned state, which enabled her as already observed to maintain her liberties for a period of near seven hundred years, was the work of the famous lawgiver Lycurgus ; against whom it will not be said, that private interest or personal ambition actuated him in the undertaking, for to that account have the levellers of the times been pleased to place whatever is most sacred in our own constitution. Lycurgus was intitled, on the death of his elder brother without issue, to succeed to the moiety of the crown of Sparta ; but his brother's widow proving to be with child, and having afterwards brought forth a posthumous son, he immediately resigned the regal dignity to the new-born infant, during whose minority he governed the commonwealth under the humbler name of protector or guardian. So generous a behaviour was not sufficient to screen him from the malice of the factious and designing ; to avoid which he made no scruple of divesting himself of all power whatever ; and when he quitted the government, he quitted his country. In return for the ingratitude which he had already experienced, he travelled into all those states which were

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at that time most eminent for the purity of their government; and during this voluntary exile he brought to perfection that excellent system with which he afterwards blessed his country (*a*).

The constitution of Lycurgus, as it originated in consummate wisdom and disinterestedness, so it was found in practice to be admirably calculated to secure peace and happiness to those for whom it was intended. Accordingly upon this form of government, composed of a due proportion of monarchy, aristocracy, and democracy, the most illustrious writers ancient and modern have concurred in bestowing their warmest approbation (*b*); and we may assuredly say that it never will fall into contempt or disrepute, while men entertain a becoming sense of the inestimable blessings of peace, happiness, and good government, compared with popular tumult, riot, and disorder.

(*a*) Plut. Life of Lycurgus.

(*b*) Polyb. Hist. lib. 6. Montesq. b. 11. c. 6. Burlam. par 2. c. 2. § 36.

C H A P. III.

*Of the British Constitution ; and of the Imperfections
which are imputed to it, by the Reformers of the
present times.*

WHAT has been said in the preceding chapter, upon the governments of Rome and Sparta, during that period in which, by the acknowledgment of all, the citizens of those states possessed the highest degree of liberty, applies most directly to that government, under which we have the happiness to live. The similarity between those constitutions during the periods alluded to, and the present constitution of Great Britain is remarkably striking ; and is such as republicans would do well to attend to, before condemning a system so nearly allied to those which they profess to be the objects of their reverence. The powers possessed by the three distinct estates of King, Lords and Commons, are here so admirably balanced, that, till called in question by the productions of yesterday, our constitution has been the constant theme of all wise men, the means of happiness to this nation, and the object of admiration to all around us. But it is not intended, in this paper, to enter into an enumeration of the manifold blessings which these kingdoms enjoy under the present happy government. It shall suffice to make

a few remarks on the objections which have been started against it, and on the general schemes of reform which speculative men have lately proposed.

Mr. PAINE has gone the length to assert, that there is no such thing as a British constitution. "A constitution," says he, "must have, not an ideal, but a real existence; and wherever it cannot be produced in a visible form, there is none." Let us consider this assertion. We are much mistaken if ever an objection against the constitution of any country was more groundless in itself, or more injudiciously brought forward.

THE constitutional law of these kingdoms has two distinct and separate sources. It may either proceed from the positive enactment of the legislative body lawfully assembled; in which case it has a real existence, not an ideal one, and is capable of being produced in a visible form, in the shape of an act of parliament: or, it may spring from the usages and customs of the people alone, without any positive enactment on the part of their representatives. In this last case, it cannot indeed be said to have a *corporeal* existence, since the precise terms of it are not set down on paper or parchment, but depend altogether on the universality of the custom, and the period of time during which it has received the sanction of the country. But is such constitutional law, on this account, to be disregarded; or shall it therefore be denied to have an existence? shall the sole mandate

mandate of the representatives be binding, to the exclusion of that law which has originated in the acts and deeds of the constituents themselves? Or, to adopt, for a moment, the language of democracy, shall we reject a part of our constitutional law, because imposed *by ourselves*, and *not by our masters*; and is it Mr. Paine, the pretended friend of the people, and zealous asserter of the rights of man, who teaches this doctrine? Alas! to what inconsistency of reasoning are men reduced, whose inquiries are directed by the jaundiced eye of prejudice! The immemorial usages and customs of the people have been regarded by the great judge Blackstone (*a*), as the first ground and chief corner stone of the law of the land; and as such will they ever be considered by those who have at heart the security of their lives, liberties, and fortunes, the private happiness of their families, or the public safety of the state.

AGAINST the supreme magistrate, and the House of Lords, the most virulent language has been employed; and it has been openly avowed that these members of our constitution ought to be proscribed, and the democratical branch invested with the full power of the state. That so dreadful a proposal should come from Mr. Paine, need not be surprising. Caution is the first lesson taught us in the school of wisdom, and experience shows its inestimable value. But he who disclaims the wisdom of ages, and professes to despise the benefits

(*a*) Introd. to Comment. sect. 13.

fits of example, will not stoop to the humble suggestions of caution, even when he is settling the destiny of millions. If, however, we turn for a moment from these self-sufficient teachers, and contemplate the history of the government of man, we shall see the benefits which accrue from the happy establishment of a King and a House of Lords, and the miseries which must speedily overwhelm us, were those mutual guardians of our civil and political liberties abolished.

It has been universally allowed, (and the present times do not belie the observation) that there naturally does subsist between the nobility and the commons of every state, a mutual jealousy and envy, which, unless counteracted by some means or other, has been always attended with the most serious consequences. Leave these two contending powers to themselves without a third order in the constitution to watch the incroachments of either, and the state is immediately torn to pieces by civil discord, till one or other of them acquire the ascendant. Such would have been the fate of Rome on the expulsion of the kings, had not officers been appointed, with kingly power, to moderate the rage of these contending parties; and such afterwards was truly her fate, when the usurpations of the commons made them an overmatch for the higher orders of the state. Similar to this has been the fate of Venice in more modern times, where the superior power or intrigue of the nobility has been able to annihilate the liberties

berties of the commons. In a situation equally unhappy were once the commons of this very island ; while the nobility and great barons kept them for ages in the most despicable servitude.— The feudal policy which universally prevailed had the natural effect of throwing an inordinate degree of power into the hands of the nobles, while the lower part of the community were left in a state of absolute bondage ; in so much, that a considerable class of men, the cultivators of the ground, both in England (*a*) and in Scotland (*b*), passed to the purchaser, upon the sale of an estate, like the beasts of the field. The first shock which this overgrown power of the aristocracy received in England, was from the statute "*Quia emptores*," passed in the 18th year of Edward the First, which empowered the meanest landholder to dispose of his heritage agreeably to his own pleasure, which he could not before do without the consent of his over lord. In Scotland, the same happy effect was produced by a restriction of the hereditary jurisdictions, which the great barons claimed within their own domains, by the exercise of which they not only wrested the right of executing the laws out of the hands of the supreme magistrate (*c*) but gave protection to the guilty of every description. In both kingdoms it was the obvious interest

(*a*) Black. Comment. B. II. c. 6.

(*b*) Reg. Magest. Lib. II. c. 11. Quon. Attach. c. 56.

(*c*) Robertson's Hist. of Scot. B. I.

rest of the crown to protect the commons, and depress as much as possible the haughty nobility.— This, in a course of ages, was happily effected ; and the people were at last placed in that respectable station to which their own importance does undoubtedly entitle them. But now that they have attained their proper rank in the state, it seems unaccountable that they should aim at pulling down that member of the constitution, to whose unremitting exertions, in their favour, they are indebted for their political existence.

BUT, if the levellers cannot rid themselves of a king altogether, it appears to them intolerable that the crown should be hereditary. The certain and indisputable succession of any one family they would wish to be disregarded, and the throne to be filled by the voice of the multitude. But we have awful examples in the history of mankind, to warn us against adopting so dreadful a line of conduct. The succession to the Roman empire was for sometime elective ; the consequence of which was, that the government of a Nero or a Domitian was liberty itself, compared to the miseries which the people experienced before a successor could be appointed. The most seasonable relief, in such cases, was, when the ceremony was taken by the soldiers out of the hands of the people, and the empire was exposed to the highest bidder ; although even then, in the event of competitors, the monarch ascended his throne drenched in blood. Poland holds out a similar

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lesson in modern times ; where the circumstance of the succession to the crown being elective has brought a multitude of miseries on that unhappy country.

WE may therefore safely conclude, that it is absolutely essential to the liberty of the kingdom, that the succession to the crown be permanently fixed in a certain family.

BUT the deceitful allurements of power and prerogative must be allowed to be strong, too strong indeed for the virtues of most men ; and while a king is made of flesh and blood like his subjects, it becomes them to have a watchful eye on the extension of his prerogative. It is not, however, the common people of any country who are best fitted for a task of that kind : their incessant labour, and their want of education, naturally incapacitate them, in some measure, for such an office ; and instances have occurred where, under an idea of acquiring freedom, they have made an absolute surrender of their power and privileges. Such, if I mistake not, was the case with Denmark, in 1660, when the people, to free themselves from the oppression of the nobility made Frederick the Third an absolute monarch ; which gave occasion to an author to remark, (a) that the people soon felt by sad experience, that the little finger of an absolute prince is heavier than the loins of a hundred nobles.

(a) Lord Molefworth's Account of Denmark.

BUT if the commons are generally unfit for such an office, this cannot be said of the nobility of the land, who have an equal, if not a deeper interest, by their possessions in the state, to oppose any dangerous stretch of prerogative. Their opportunities of acquiring a liberal education, an intimate acquaintance with the laws and constitution of their country, an accurate information as to public transactions, and full time deliberately to consider the origin and tendency of every measure, all concur to form them the natural guardians of their own liberties, and of the liberties of the people.

ACCORDINGLY, the wisest legislators have, in the earliest times, seen the necessity of this branch of the constitution; and it is a remarkable fact, which deserves the most serious attention, that it was this very institution of a third estate, to counterbalance the power of the kings on the one hand, and that of the people on the other, (*a*) which was thought to bring the Spartan government to its perfection, and which has handed down Lycurgus as the ablest lawgiver the world ever knew, by the consent of all wise men, for a period now of near three thousand years.

BUT farther; if we would engage effectually the abilities, and even the virtues of individuals, in the service of the public, we will beware of bringing into disrepute those honours, which are

(*a*) Robertson's Hist. of Greece, B. I. App. 1.

the most powerful inducements to a vigorous exertion of natural talents, and to an honourable and upright conduct in life. Levellers, indeed, from the system which they teach, cannot with decency acknowledge their effects. They deny they have an influence upon their own conduct, and pretend they are the objects of contempt or indifference when conferred upon others. Like unto these men were certain affected philosophers of old, who, denying the influence of external objects, would not admit the influence of pain itself, while it preyed on their vitals even to dissolution. But let us leave, for a moment, those all-sufficient doctors, and hearken to one who has studied *man*.

“ One,” says Mr. Necker, “ who, like myself, “ has been some years placed in the centre of “ public affairs, round which the motions of personal interest perform their circuit, is best able “ to judge, from his own experience of the activity of those interests, and to perceive in what “ manner the human heart is influenced, irritated, “ and soothed by hope. Full often are the thoughts “ of men employed upon their own personal views, “ when they affect most carelessly to neglect, or “ most generously to sacrifice them. I grant that “ individuals have *for their days of parade a pompous and wonder-working language*; but I affirm, “ that, in their daily habits and in their secret “ confessions, we find them always occupied either

“ther with the fortune they are pursuing, or the
“eminence to which they aspire (a).”

UNDER this government, the highest preferments, the brightest honours, the most lucrative offices in the state, are open to abilities and worth of every kind without distinction; and cautious, indeed, ought we to be, in adopting a principle, the object of which is, to extinguish that generous glow of rivalry and emulation, which is calculated to produce so noble effects.

If these observations are well founded, (and their foundation is laid chiefly in historical facts,) they seem to warrant the conclusion, that every man in these kingdoms, to whatever class he belongs, is deeply interested in the preservation of the different branches of our happy constitution; for, if we remove from its due place, any one member of which it is composed, we remove, as it were a corner stone, and hazard the ruin of the whole edifice.

THE government of France has been held up by levellers and republicans, as the object of our imitation. But these pages are intended for the bulk of the people, who, though for a time, they may be abused and deceived, by specious pretences to equality and reform, will not deliberately barter order for confusion; peace and security for rapine and murder; or the inestimable comforts of a rational religion for the hopeless gloom
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(a) Essay on the True Principles of Executive Power in Great States.

of impiety and atheism. It is committing an outrage on reason and humanity, to compare France in her present situation, with any nation that ever existed. But upon this subject it is unnecessary to enlarge, since it has been so ably handled by others.

THE United States of America afford an example, which has likewise been resorted to with an air of triumph. But, in answer it might perhaps be sufficient to observe, that, in the course of last century, we too had a trial of republican government, fully as long as the Americans have had, and after all, it was not only rejected by the unanimous voice of the nation, but the monarchical government which we formerly had, was greedily restored though labouring under many imperfections ; and such direful impressions had republicanism made on the minds of the people, that the day of their deliverance was appointed to be observed as a day of thanksgiving for ever. It cannot therefore be yet held for certain, that a republican government is suitable to the people of the American States ; and even were this point taken for granted, it would by no means follow, that a constitution, adapted to the circumstances of America, would suit the present situation of Britain.

If republican government be any where to flourish, it is where men do yet retain their primitive integrity and virtue, uncorrupted by the luxuries and the vices of refined society ; or,
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where there is yet such a general equality in point of fortune, as is calculated to produce similar effects. While simplicity and virtue direct every action, a man may rise from the hardest toil, or leave his family at the humblest fare, and without the expectation of fee or reward, give his vote in disposing of the highest and most lucrative offices in the state ; while the object of his choice, equally virtuous, accepts the proffered boon, for the public good, heedless of the power or the dignity it confers. Though virtue should be somewhat faded among men, yet they will continue to pursue the same train of action, while their humble circumstances make it in some degree impossible, either for *electors* or *elect-ed* to bribe or to be bribed. Add to this, that while any measure of equality actually subsists, there is no place for the aggrandizement of individuals on the one hand, nor for the fears and jealousies of their fellow citizens on the other ; and these are the rocks on which all republics have made shipwreck.

BUT if industry and abilities are allowed to operate, it will not be long till matters assume a very different appearance. Fortune will smile on some ; the fruits of industry and perseverance will be reaped by others ; while a third class of men stand hard by, whom wayward fate, or more wayward dispositions have left poor, as when they came into the world. People may talk of liberty and of equality, of patriotism, or what they please, but such a country must quickly bid farewell

well to republican principles. The equality by which a republic exists, vanishes on the exertions of industry: to wealth and affluence succeed luxury and refinement, which have never yet been found very friendly to virtue. And a progression of circumstances will speedily demonstrate that power and pre-eminence will follow wealth, as sure as the shadow follows the substance. The states of America are yet in their infancy; and the people, if they are not virtuous, are at least poor. Britain, on the contrary, is far advanced in arts and refinement, and the people are arrived at a state of uncommon wealth and affluence, luxury and refinement. Were, therefore, the constitutions of America so immaculate as to challenge the scrutiny of men and angels, it would require little penetration to show that they are totally inapplicable to the present state of Britain.

At the same time, it may be observed, that the constitutions of America are founded on principles of trade and commerce, the most powerful inducements to industry and exertion; so that an aristocratical influence must soon arise, incompatible with the form of government which they presently possess. A similar influence from similar causes, has been long felt in the Dutch provinces.

BUT, abstracting from the form of our government, the expence of it has been made the topic of much clamour and invective; and those who ought to know better things, have treated the
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subject so as to make the people believe that the greater part of the revenue of this country is spent in idle profusion.

The statement, however, of a few facts will put this point on a different footing, and one or two considerations must be taken into the account, which, however slight they may seem to the inattentive inquirer, are of most serious consequence to the country at large.

The whole revenue of this country is between sixteen and seventeen millions. Of this sum about nine millions are applied in payment of the interest of the national debt, which has been contracted during a long course of time, owing to particular exigencies of the state. Those who have contributed to support the national credit, are many of them individuals in these kingdoms, who have risked their all, on the public faith of the nation. Unless, therefore, it is meant, to commit an act of national bankruptcy, for which indeed we may find a precedent in the history of France, and thus beggar one half of the people in order to afford a partial relief to the other, it is foolish and absurd to complain of this branch of expenditure. In so far as foreigners are interested in our funds, such a measure would bring a disgrace on the country, which no course of time could ever wipe off.

Other five millions of the revenue are applied to the support of the army, the navy, garrisons, and miscellaneous services. One million

is applied to extinguish the capital debt of the nation, and another million to the civil government of the country, including the expences of the royal household, salaries to judges, officers of state, and servants of the king; appointments to ambassadors; the maintenance of the queen and royal family, the king's private expences, secret service money, pensions, and other bounties (a),

These appointments are in general far from exorbitant. The slightest reflection must convince any reasonable man that those who labour in the public service ought undoubtedly to be paid out of the public purse. And the gratification they receive ought not only to be such as to call forth the first abilities in the nation, but such as to render them independant, and thus throw a bulwark round their principles of integrity and honour, which may not be shaken by the greatest temptation.

The same considerations show the extreme impropriety of that parsimonious line of conduct which republicans chalk out, with regard to the expences of the supreme magistrate.

WHERE a great and independent kingdom is to be represented, it is to be done only with effect, by making the representative independent of all other powers upon earth; and by clothing him in that state and dignity, which shall command respect abroad, and a prompt execution of the

(a) Blackst. Vol. I. p. 334.

laws at home. Those who affect to hold a different language, may be well enough fitted for the desk or the counter, but they are very unfit for governing a state : they may estimate the value of pence and of farthings, but they are utterly ignorant of the nature of man. A proper dignity, and a becoming state, make more lasting impressions on mankind, than the most forcible precepts that can be delivered ; and, unreasonable it may appear, but the fact is undoubted, that laws, however excellent, will be poorly obeyed, if there is not a splendour and dignity in the magistrate to enforce the observance.

All have not had an opportunity of observing the immediate effects of royal dignity and state ; but most of us have seen what it is capable of producing, even when conveyed through the medium of the courts of justice. When we enter into the courts of Exchequer, of Session, or of Justiciary, are we not impressed with some degree of reverence and awe ? Whence arises this ? Is it from any dread of the power with which the judges are invested ? This cannot be the cause, since their powers are exercised agreeable to the laws of the land, which afford complete protection to our property and persons : But the solemnity of the scene, the number of attendants, the very robes of the judges, the mute mace which lies before them, all conspire to make a deep and a serious impression on the mind.

Levellers affect to laugh at such things, and they endeavour to hold them up to ridicule and scorn, as unworthy of these days of *philosophical inquiry*. To such men we leave their philosophical attainments, if they lead them to reject whatever they cannot explain. With us, it sufficeth that the effects be salutary, which any institution is calculated to produce, in order to warrant our hearty approbation.

To a want of this dignity and splendor in the crown, joined to a most unhappy accumulation of it, in the chieftains of Scotland, may be traced, in a great measure, the innumerable miseries which this kingdom experienced, for some centuries, during the reign of the Stuart family. In the remote parts of the country, the splendor of the crown, or of the courts of law, was altogether unknown, while the chief of a clan appeared every day attended by a retinue sufficient to cope with majesty itself. The multitude was dazzled with the power of the chieftain, and under his banners they sought refuge and protection. Theft, rapine, murder, and disorder of all kinds prevailed to a degree almost incredible; and while some chieftain or other screened every offender, to apprehend and to punish a criminal, as Dr. Robertson observes (*b*), required the union and efforts of half a kingdom. Hence the infamous contracts so frequent in this country, which went under the

(*b*) Hist. of Scotland, B. I.

name of bonds of *man, rent* and *black mail*, whereby individuals engaged to pay certain sums annually to those lawless plunderers, in order to secure themselves and their families from rapine and murder. To diminish, therefore, the splendor and dignity of the crown, or of the judges and officers who execute the laws, is not only to depreciate ourselves in the eyes of foreign nations, but to detract from the force of the laws themselves, and render our lives and our fortunes proportionally insecure.

But as if it were not sufficient to endeavour, to bring Majesty and the House of Lords into contempt, levellers have proceeded to other schemes perhaps still more unjustifiable. They are not content with depriving the higher branches of our constitution of their political consequence, unless they can lay hold also upon their private patrimonies. It is not merely a *reform in the state* which is aimed at; the ultimate object is the *plunder of individuals*. The highest peer in the realm is to be incapacitated from holding more land than shall extend to a certain limited income, such as would infer a forfeiture, in several instances, of three-fourths or upwards of their lawful possessions: and a reduction of our *public* expenditure is planned, but the savings are to be dealt out among *private* individuals. So wicked a proposal was never set on foot, even in the most profligate times of Rome. Great care is indeed taken to mislead the people with the pretext of
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an example; and the *agrarian law* is a familiar topic, even in the lowest ranks of life. But the agrarian law, as proposed among the Romans, had no such abandoned object in view. It was only the *crown lands*, those which had been conquered and acquired to the state with the blood of the common people, which they contended they had a right to divide among them (c); and that only when they were urged to the measure by an accumulation of debts, contracted to their superiors, and by laws against debtors, which were rigid beyond example; permitting the creditor to seize the person of his debtor, and to employ him as a slave till the debt which he owed him should be paid up (d). Even in the necessitous circumstances now pointed out, to which the state of our common people bears no resemblance, the property of individuals was held sacred, and a proposal such as that which our reformers now make, would have been received by the commons of Rome with detestation. It seems unnecessary and improper to enlarge upon a topic of this nature. The intention and the object of all government, is to secure to the high and to the low, their private fortunes; and we may lay it down as a certain principle that when these are incroached upon, under whatever pretext, there is something at bottom which dare not be spoke out. It has

(c) Goldsm. Rom. Hist. Vol. I. c. 11.

(d) Ibid. ————— c. 9.

been said with truth, of the meanest cottage in the land, " that the wind and the rain may beat " in, but the king himself dares not enter ;" and is the protection which is secured to the humblest peasant to be denied to those of superior rank ? Justice and humanity revolt from the idea. Every honest mind will shudder at the proposal, though with the needy, the desperate, and the licentious, it may indeed have a favourable reception ; for, it is remarkable that the plunder which is intended upon the fortunes of individuals, is not to be applied to the *public* service ; it is to be distributed in bounty among the lower ranks.

This expedient is not a new one ; it was devised and put in practice ages ago, and we deem it our duty to mark the consequence.

The first degeneracy of Athenian manners was introduced, as Plutarch tells us (*e*), by Pericles. That popular leader, fired with ambition, was determined to supplant his rival Cimon, who, by the brilliancy of his victories, and by other services rendered to the public, was then considered as the first man in Athens. Pericles was greatly his inferior in point of fortune, and therefore unable to contend with him in magnificence and liberality ; but he fell upon a new method of gaining over the people. He procured a law by which every citizen was entitled to a certain sum out of the public treasury, on certain various occasions

(*e*) Plut. Life of Pericles.

and pretences. It was remarked, that in a few years time the Athenians were no longer the same people. The object of the leading men was to obtain the direction of the public funds, which by the public itself were allotted to corruption : while the lower ranks of people, depending on the distribution of it, regarded industry and attention in their private affairs but as secondary objects. Faction became the business of the state, and discord and dissention rose to such a height, as first to drive out the most illustrious citizens, and finally to bring on the ruin of the republic.

It is with regret we ascribe so execrable motives to any man ; even to Mr. Paine himself. Our wish is to ground the argument on sound reason and historical fact, without personal invective or insinuation of any kind, thinking it sufficient to combat the *measures* of our opponents, leaving the *motives* to their own consciences. But the proposal we are talking of, goes to affect, directly or indirectly, the liberty and property of every individual in these kingdoms, and it has been held out, under the deceitful pretence of relieving the necessities of the lower ranks. In such a situation, credulity becomes a vice, distrust a virtue ; and when I see two men employing the same means, I am forced to conclude that they have in view the same object. One difference, however, does obtain between the plan of Pericles and that of Paine ; that whereas the former corrupted the people *with their own money*, the latter means to do it *with the money of other men*.

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In arguing with the levellers of the present times, I am sufficiently apprised that it would be in vain to lay before them any *religious* considerations. But with the great body of the people in these kingdoms, such considerations, I know, will yet have their due weight; for men must be at some pains, more indeed than the commonalty have time to bestow, before they can rid themselves altogether of religious impressions, or resolve, for the momentary enjoyments of this life, absolutely to renounce the hopes of a better. Such of my readers will not fail to recollect the many sacred exhortations which are given throughout the Scriptures, to preserve inviolate the property of our neighbours. They will easily see, that if any such right to the possessions of the rich, had been supposed to exist in the lower ranks, it would have been in vain for the apostle Paul, to recommend so earnestly the exercise of charity, in order to relieve the wants of the poor (*f*). Nor, if a state of equality had been designed for men, would the same apostle, and Peter also, have insisted on the becoming virtue, of submitting ourselves to those who rule over us (*g*). The conclusion which I trust will be finally drawn, will be, “to mark them which cause divisions and offences; and by *good words and fair speeches* deceive the hearts of the simple (*b*).”

(*f*) 1 Cor. c. xvi. v. 1.—2 Cor. c. ix. v. 5.

(*g*) Rom. c. xiii. v. 3.—Heb. c. xiii. v. 17.—Pet. c. ii. v. 13.

(*b*) Rom. c. xvi. v. 17.

But the great point, upon which even the moderate among our reformers insist, respects the representation in parliament. A multitude of evils are supposed to exist, which, (though some of them may justly be the subject of complaint), were generally unfelt by the people themselves, till their officious *friends*, as they are pleased to style themselves, awakened in them a sensibility to many injuries. And it is not a *reform* merely which is aimed at. Their object comprehends an *extension* of the privileges of voting, in a manner hitherto unknown in this country.

A poll election is what reformers wish for: our representatives in parliament, say they, ought not to be chosen by the freeholders alone, or even by the heritors at large, but by the whole community; and, as to the present mode of filling up the council and magistrates of royal boroughs, it is held out as a palpable abuse in itself, and an evident departure from our ancient laws and usages.

With regard to the election of members to represent counties, it will be acknowledged on all hands, that at no period of time did any thing like a poll election take place in this country. Originally, all who held their lands immediately of the king, had a right to sit in parliament, however small their freeholds might be. In those days, the whole landed property was in the hands of a few, comparatively speaking: the power of the aristocracy was not yet broken, consequently
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the influence and weight of the commons had not yet begun to appear. But when the situation of these two classes of men was entirely changed, by the concurrence of circumstances before noticed; when the land was every day passing more and more, from the hands of the great barons into the hands of the commons, the lesser barons increased so much in number, that it became impracticable to assemble them together, and therefore their attendance was first dispensed with, in the year 1427, upon sending two of their number in each county to represent them (*i*). This privilege of sending representatives to parliament, was not meant to exclude such freeholders as chose to attend in person; but parliamentary service being then looked on as a burden, few or none claimed their seats. In course of time it came to be understood that they had no right to sit, unless they were elected by the freeholders; and the right of electing or being elected members of parliament, was afterwards confined to such as were infeft in lands holding of the crown, and extending to forty shillings Scots of old extent, or to L.400 Scots valued rent (*k*). Hence it appears that to this class of men alone, the right of choosing representatives for the counties, has in all time belonged.

(*i*) Stat. 1427, c. 102.

(*k*) Stat. 1681, c. 21.

With respect to the boroughs, it is alleged that they stand in quite a different situation, and reformers look upon it as undoubted, that, prior to the year 1469, not only their representatives in parliament, but the magistrates and council, were uniformly elected into office by a poll.

But we apprehend, that, upon a due attention to the ancient laws and customs of Scotland, it will not appear that any such mode of election ever took place. The provost, bailies, and dean of guild were indeed elected *annually*; but it behoved them to be chosen *from among the common council*. With regard to the *council* itself, the probability rather is, that when any individual got once into office, he continued in it *for life*, so independent was he of the community at large; and when a vacancy was occasioned by the death of any member, it was filled up by the council itself. Thus as far back as the reign of king David, special laws were enacted for the purpose of regulating the elections *of magistrates* at Michaelmas yearly (*l*), but there is not one word with regard to the mode of choosing *the common council*. Then comes the act of James III. (*m*), which is founded upon as showing that the election of magistrates and council was, before that period, vested in the community at large. Let us attend

(*l*) Leges Burgorum; cap. 77. Stat. Gildæ, cap. 34.

(*m*) Stat. 1469, cap. 30.

to this statute, and see whether it can bear any such construction.

The words are these: "*Item*, Touching the
 " election of officiares in burrowes, as aldermen,
 " baillies, and uther officiares, becaufe of great
 " contention zeirly for the chusing of the famin,
 " throw multitude and clamour of communes,
 " simple perſones; it is thought expedient that na
 " officiares nor council be continued after the
 " king's lawes of burrowes, further than ane zeir.
 " And that the chusing of new officiares be in
 " this wiſe, that is to ſay, the auld council of the
 " toune ſhall chuſe the new council, in ſic num-
 " ber, as accordis to the toune; and the new
 " council and the auld in the year foreſaid ſhall
 " chuſe all officiares pertaining to the toune, as
 " aldermen, baillies, dean of guild and uther of-
 " ficiares."

This ſtatute has evidently in view two objects, perfectly diſtinct and ſeparate in themſelves; to wit, the election of the magiſtrates, and the election of the council. As to the firſt, we have ſeen, from the borough law before cited, that the magiſtrates were elected at Michaelmas yearly, and it would appear that, at one period at leaſt, the right of election was in the whole community, under this controul, that, in caſe of controverſy, it ſhould devolve upon the council (*n*). This mode of election, even under ſuch a reſtriction, was found highly inexpedient, " becauſe of great contention
 " zeirly for the chuſing of the famin, throw mul-
 " titude

(*n*) Stat. Gildæ, cap. 34.

“titude and clamour of commons,” and therefore it was enacted that, in place of the community at large, the council in time coming, “shall chuse all officiares pertaining to the towne as aldermen, baillies, dean of guild.”

With regard to the council, it was already observed that no such *annual* election took place; but as very probably it was found that the members acquired too much power and influence, by having seats in council *for life*, therefore it was thought expedient, as expressed in the statute, “That na officiares *nor council be continued* after the kingis lawes of borrowes, *further than ane zeir.*” This part of the enactment is applicable to the council alone, and not to the magistrates, for we have already seen that these last were elected *annually*, agreeably to the laws of the boroughs, made upwards of three hundred years before. In short, the import of the statute is *1st*, to vest the election of magistrates in the council alone, because of the inconveniencies attending a popular election, whereas they had before exercised that power only by way of controul over the community; and, *2^{dly}*, to abridge the power of the council, by imposing on the members the necessity of an annual election, in place of enjoying their seats *for life*. As a further evidence of this being the proper construction of the statute, it may be mentioned, that instances are to be found in some of our boroughs to this day, of the coun-

counsellors remaining in office for life, without the necessity of any annual election.

It is a mistake, therefore, to say, that prior to the 1469, the election of the council, and consequently of the representatives in parliament for royal boroughs, was vested in the people. By that act, certain inconveniencies were removed, which arose from the popular election of *magistrates*; but the power *of the council* was rather abridged than extended.

I do not mean to enter into the question whether it would now be fit or expedient, to alter the constitution of the boroughs, and vest the right of electing magistrates or council in other hands. All I intend is, to show how the fact really stands; in order that people may not be deceived by precedents which never existed, or be led to insist upon rights, founded, as they suppose, on the customs of their forefathers, which their forefathers themselves must necessarily have disclaimed.

At the same time, it will occur to every person that a strong argument does arise against the alterations proposed, from the very construction which reformers themselves put upon this statute. For, if the right of election was originally in the people, it must have been attended with serious evils indeed, before they were induced so freely to part with it; of these evils, the legislature must have been well satisfied, before they hazarded the derangement of the constitution, by an innovation of such magnitude; and equally sensible, must
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the people in general have been, of the important advantages which that statute conferred, since they have ratified and approved of it, for a period of more than three centuries.

When an individual, especially one in a low situation, considers the narrow sphere in which he daily acts, and the comparative unimportance of his own character, it is, no doubt, a flattering idea, to conceive himself entitled to a vote in the election of those who make up the legislative body of a mighty empire. Accordingly this is a bait which those who court popularity, seldom fail to throw out; and, as may naturally be expected, it seldom fails to be seized with avidity. But it still remains a problematical point, whether those privileges after which they aspire, are calculated to augment the happiness of the ordinary class of citizens.

At Edinburgh the member of parliament is chosen by the council of the burgh, comprehending not more than three and thirty individuals, to the exclusion of at least fifty thousand. At Westminster he is chosen by the householders at large. Have we any great reason to lament the difference in the modes of election? Do any taxes reach us, which do not reach the householders in Westminster? Are any beneficial privileges bestowed upon them, which are not likewise communicated to us? Are their properties more directly under the protection of the law, or their persons better guarded from violence and harm?

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Or, when they actually exercise their rights of election, are their morals bettered, their private patrimonies increased, or their wives and children rendered more comfortable? If we are to judge by the answers which must necessarily be made to these plain questions, we shall have no reason to envy the distinction they enjoy.

Besides, the merchant, the manufacturer, and the labourer ought to consider whether they only are the objects of exclusion. Do they not see, on every hand of them, gentlemen in great offices and trust, of large incomes, and independent fortunes, excluded from such privileges as well as they? Do they not know, that, by the law of the country, as it presently stands, be a man's estate what it may, unless he hold it immediately from the Crown or Prince as his superior, he has no voice in electing a knight for the shire; and that, within burgh, the extent of property, be it ever so great, will not entitle to a vote in the election?

It is, no doubt, a plausible argument, which reformers set up, that the number of voters ought to be encreased, in order to diminish the effects of corruption. You may bribe, say they, a common council, but there is little danger of bribing a city: you may corrupt to the number of thirty or forty, but it is impossible you can bargain with as many thousands. This I allow to be exceedingly specious. But, on the other hand, I am afraid that the force of example, which has so powerful an influence on human affairs, operates strongly

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in this case, to encrease the evil rather than diminish it. When the number of voters is small, bribery, if certain, is at least not universal: if some have yielded to the seductions of money, there are more who are strangers to the power of the temptation: if some have sacrificed their country for hire, there are many more to expose the infamy of the transaction.

But when every citizen has a public voice, the chance of corruption seems evidently to increase. The integrity of many may remain immaculate, but corruption with many more has become familiar. The heinousness of such a conduct will gradually disappear; and as the ideas of mankind fall in with the offence, the price of their virtue will proportionally diminish. Let us see how these principles tally with history and experience. I will avoid all invidious comparisons among ourselves, and resort for materials to another quarter.

The republican government which was established at Rome, was not proof against corruption, more than our monarchies; and it is well worth our pains to attend to the progress of that vice, and to the various laws which were made with a view to repress it; as the subject is in itself exceedingly curious, while, at the same time, it will enable us to form a clear judgment on the point presently before us.

The first law, so far as I know, which was made at Rome against bribery and corruption, was in the tribuneship of *Pinarius* and *Furius* about
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two hundred and thirty-one years after the building of the city (*a*). The number of citizens, at this period, did not exceed a hundred and thirty thousand (*b*). It should seem a pretty difficult matter even to bribe this number. As the citizens, however, increased, the disease might be got the better of; or, it would at least become less alarming, if the argument held out to us be good for any thing. The number of the citizens did certainly increase; so that, in the tribuneship of *Marius*, about six hundred and thirty-four years from the building of the city, the number of free voters had amounted to four hundred thousand. But alas, we find that bribery and corruption did not decline in proportion; on the contrary they seem to have gained additional strength and footing, according to the numbers which the candidates for public offices had to secure; and, during the period above-mentioned, it was found necessary to interpose by many special laws, at many different times, each rising above the other in severity, to repress an evil which seemed to threaten the utter ruin of the state. The corruption of our own times is trumpeted forth to all quarters; but the Roman republic in this respect beat us all to pieces. Ceremony on such occasions they held in contempt: the candidate for the public favour brought along with him a friend in

(*a*) Hein. Antiq. L. IV. t. i8. § 78.

(*b*) Vossius de mag. Rom. cap. 6.

whom he could confide, to act as an umpire between him and the voters he meant to purchase; the stipulated price was then consigned in the hands of some third party, till the votes that were purchased should be actually given, for it seems, had the money been paid, the sellers would have carried them a second time to market. The votes being given by these *free* republicans, *dividers* were appointed to distribute to each the stipulated sum. Such enormities drew on at last a capital punishment (c), but the crime was only extinguished when the state was no more.

These facts may serve to show us how small dependence ought to be placed on speculative opinions, for regulating the practice and the conduct of men, till such time as they be proved by experience. And from the same deduction we may not unreasonably conclude, that the expedient which is held out, of increasing the number of voters, with the view of defeating corruption, would afford at best but an uncertain remedy.

I would not be understood to mean, that there are no faults or imperfections in the constitution and government of this country, or that we should abstain altogether from correcting what is wrong, or supplying what is defective. No work of man ever was perfect; far less so complicated a system as that which is required in the government of a great empire. The seeds of decay and abuse na-

(c) Hein. Antiq. L. IV. t. 18. § 78.

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turally subsist in the thing itself, and they are brought fast to maturity, by the corruption and venality which pervades all ranks of men, in an advanced state of society. Thus much, however, seems to be clear, that the happy constitution which we enjoy has fewer original faults, than any ever yet devised by the wisdom of man; while, by the mutual influence of the different branches of the legislature upon one another, it has an energy in itself perfectly sufficient for rectifying every abuse. These advantages have conferred on this nation a degree of liberty unknown to any other; a liberty tried and proved by the experience of upwards of a hundred years, and which becomes inestimable, if the opinion of a famous author be well founded (*d*), that if we once lose it, we are in danger of becoming the most abject slaves on the face of the earth.

These *encomiums* on our happy constitution do not proceed only from writers of the present times. Political authors, for a hundred years back, under whatever circumstances they happened to be placed, have concurred in bestowing upon it their highest approbation. Nor is it to the prejudice or the partiality of British subjects, that an applause so universal is to be attributed. Mr. Neck-er, who was lately at the head of affairs in France, after the old government was overthrown, and who was the very idol of his country, while reason

(*d*) Montesqu. Spirit of Laws, B. II. c. 4.

had any share in the deliberations of that deluded people, expresses himself thus on the subject before us: " In my opinion, the example of England
 " might have served to direct the meditations of
 " the legislators of France. They had to combine and organize a power, the guardian of
 " public order, the principle of the entire activity
 " of government ; and since, in so serious a business, prudence would not permit them to be
 " guided solely by conjectures and surmises, *they*
 " *ought to have sought, in the most temperate monarchy of Europe, for a knowledge of the elements*
 " *that enter into the formation of that power ; and*
 " perceiving at the same time that the English administration, with all its prerogatives, has
 " barely authority sufficient for the maintenance
 " of order, and the prevention of anarchy, they
 " would naturally have been led to fashion their
 " ideas in conformity to these salutary observations (e)."

Upon the whole, we are far from saying, that abuse ought to be tolerated; but when by a change of circumstances we hazard more than any other nation can do, while our chance of profiting by it is proportionably less, it surely becomes us to proceed in any reform with an extreme degree of caution. I therefore conclude the subject with the valuable advice of the great Lord

(e) Essay on the True Principles of Executive Power.

Bacon,

con (f), " It were good that men in their innovations would follow the example of time itself; which indeed innovateth greatly, but quietly and by degrees, scarce to be perceived. It is good also, not to try experiments in states, except the necessity be urgent, or the utility evident; *and well to beware that it be the reformation, that draweth on the change, and not the desire of change, that pretendeth the reformation.*"

(f) Bacon's Essay on Innovation.

THE END.

